

**REMARKS**

Claims 1-11 are currently pending in this application. By this Amendment, claims 1-3 and 6 are amended and claim 11 is added. Support for the amendment to claim 1 can be found in the specification at, for example, page 7 line 35 to page 8 line 2. Support for new claim 11 can be found at least in original claim 1. Claims 2, 3 and 6 are amended for form.

Applicant thanks the Examiner for the indication that claims 2-10 would be allowable if the rejection under 35 U.S.C. §112, second paragraph, is overcome. Further, because the 35 U.S.C. §112 rejection is obviated and claim 1 is believed to be patentable over Ishizaki for at least the reasons described below, Applicant respectfully submits that claim 1, and claims 2-10 depending therefrom, are also believed to be in condition for allowance. As new claim 11 also depends from independent claim 1, new claim 11 is also believed to be in condition for allowance.

Claims 1-10 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The rejection is respectfully traversed.

Specifically, the Examiner has taken issue with the phrase "... in particular a wheel loader or a backhoe loader ...." By this Amendment, the phrase in question has been canceled from claim 1, and thus claim 1 is now believed to be definite. Withdrawal of the rejection is thus respectfully requested.

Claim 1 is rejected under 35 U.S.C. §102(a) as being anticipated by Ishizaki et al. (U.S. Patent No. 6,561,751). The rejection is respectfully traversed.

Ishizaki does not teach or suggest the features of claim 1. For example, Ishizaki does not teach or suggest a control arrangement, "whereby during lowering of the boom, a control line of the boom control unit acting in the direction of lowering may be connected with a signal line of the shovel control unit, so that the shovel may be taken into a target position with respect to the boom by means of the control pressure tapped at the boom control unit," as

recited in independent claim 1 (emphasis added). If this specific target position is reached, no additional movement of the shovel is required.

Ishizaki merely relates to a hydraulic control device, which performs a horizontal hold control of the bucket (11) with respect to the ground on which the complete device is located. See, e.g., Ishizaki, col. 12, lines 13-14; col. 14, lines 33-34; and col. 26, lines 3-5 and 7-8. Furthermore, Applicant asserts that the vague statement in col. 26, lines 9-11 does not give a complete teaching of possible alternatives to the invention disclosed and taught in Ishizaki so as to enable one skilled in the art to make and use these alternative embodiments. As such, Applicant respectfully asserts Ishizaki only discloses a bucket held at the horizontal position with respect to the ground. Therefore, Ishizaki does not disclose a bucket target position with respect to the boom.

Thus, for at least these reasons, Applicant respectfully asserts that claim 1 is patentable over Ishizaki. Withdrawal of the rejection is thus respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Patrick T. Muffo  
Registration No. 60,342

JAO:PTM/jnm

Date: September 24, 2007

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

**DEPOSIT ACCOUNT USE  
AUTHORIZATION**

Please grant any extension  
necessary for entry;  
Charge any fee due to our  
Deposit Account No. 15-0461